

of the Department (including any agency, element, or component of the Department).

(D) An assessment of "D" for an earmark that is not demonstrated to be cost-effective in advancing the primary goals of the Department (including any agency, element, or component of the Department).

(E) An assessment of "F" for an earmark that distracts from or otherwise impedes the capacity of the Department to meet the primary goals of the Department.

**SA 5164.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. Any limitation, directive, or earmark contained in the House of Representatives or Senate report accompanying this Act shall be included in the conference report or joint statement accompanying this Act in order to be considered as having been approved by both Houses of Congress.

**SA 5165.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 4, before the period insert "*Provided further*, That, notwithstanding any other provision of this Act, no loan guaranteed under this heading shall be used to construct, improve, renovate, expand, or otherwise develop a golf course".

**SA 5166.** Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. (a) Each report described in subsection (b) shall be posted on the Internet website of the Department of Agriculture for the public not later than 48 hours after the submission of the report to Congress.

(b) The reports described in this subsection are the following:

(1) Each report required by a provision of this Act to be submitted by the Secretary of Agriculture to the Committees on Appropriations of the Senate and the House of Representatives.

(2) Any report required to be submitted by the Secretary of Agriculture to Congress in support of the budget of the President for fiscal year 2008 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) for the Department of Agriculture, including any budget justification documents in support of such budget for the Department of Agriculture.

(c) In posting a report on the Internet website of the Department of Agriculture under subsection (a), the Secretary of Agri-

culture may redact any information the release of which to the public would, as determined by the Secretary, compromise the national security of the United States.

**SA 5167.** Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, line 10, before the semicolon insert ", of which not less than \$351,939 shall be for early disease identification, comprehensive composting for cull disposal, and potato late blight research activities in the State of Maine".

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 15, 2006, at 11:30 a.m. and 2:30 p.m., to receive testimony on the current situation and U.S. military operations in Iraq and Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McDEMINT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, November 15 at 2:30 p.m. The purpose of this hearing is to receive testimony on the December 2005 report from the President's Task Force on Puerto Rico's Status.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DEMINT. Mr. President, I ask unanimous consent that on Wednesday, November 15, 2006, following the first vote of the day, the Committee on Environment and Public Works be authorized to hold a business meeting to consider the following agenda: Alex Beehler to be Inspector General of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Wednesday, November 15, 2006 at 3 p.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that Joel

Rubin, a congressional fellow in my office, be granted the privileges of the floor for the duration of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent, on behalf of Senator BINGAMAN, that Jonathan Epstein, a fellow from his office, be granted the privilege of the floor during the pendency of S. 3709, H.R. 5682, and any roll-call votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS-CONSENT AGREEMENT—H.R. 5385

Mr. McCONNELL. Mr. President, notwithstanding passage of H.R. 5385, I ask unanimous consent that the Akaka amendment No. 5128 and Reed amendment No. 5125 be further modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as modified, are as follows:

##### AMENDMENT NO. 5125, AS MODIFIED

(Purpose: To provide that, of the amount appropriated or otherwise made available for Military Construction, Navy and Marine Corps, \$3,410,000 shall be available for the replacement of a vehicle bridge at Naval Station, Newport, Rhode Island, and to provide an offset)

On page 82, between lines 19 and 20, insert the following:

SEC. 126. (a) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for "Replacement Vehicle Bridge, Increment 2, Naval Station, Newport, Rhode Island" is hereby increased by \$3,410,000.

(b) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for "Hazardous Material Storage Facility, Naval Station Newport, Rhode Island" is hereby reduced by \$3,410,000.

##### AMENDMENT NO. 5128, AS FURTHER MODIFIED

(Purpose: To propose a substitute)

At the end of title II, add the following:

SEC. \_\_\_\_\_. Of the amount appropriated by this title under the heading "VETERANS HEALTH ADMINISTRATION", up to \$1,000,000 shall be available for the Office of Inspector General.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leaders of the Senate and House of Representatives, pursuant to Public Law 109-236, appoints Thomas P. Mucho, of Pennsylvania, to serve as a member of the MINER Act Technical Study Panel.

#### MEASURE PLACED ON THE CALENDAR—S. 4051

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk that is due a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4051) to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-issued orders for calls originating in the United States, to provide additional resources to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, to ensure review of the Terrorist Surveillance Program by the United States Supreme Court, and for other purposes.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard.

Without objection, the bill will be placed on the calendar.

#### SIGNING AUTHORIZATION

Mr. MCCONNELL. I ask unanimous consent that during the adjournment of the Senate, the majority leader and the occupant of the chair, Senator COBURN, be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection it is so ordered.

#### ORDERS FOR THURSDAY, NOVEMBER 16, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on tomorrow, Thursday, November 16. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow we will conduct a short period of morning business before turning to the United States-India nuclear bill. We were able to reach an agreement to limit amendments to the bill earlier today, and it is my hope that we will be able to expedite consideration and vote final passage tomorrow. We are also attempting to begin work on the Agriculture appropriations bill.

We were able to pass the short-term continuing resolution today. I thank everyone for clearing that joint resolution for the President's desk.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Thursday, November 16, 2006, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate November 15, 2006:

##### THE JUDICIARY

TERRENCE W. BOYLE, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE J. DICKSON PHILLIPS, JR., RETIRED.

WILLIAM JAMES HAYNES II, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE H. EMORY WIDENER, JR., RETIRING.

PETER D. KEISLER, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JOHN G. ROBERTS, JR., ELEVATED.

WILLIAM GERRY MYERS III, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE THOMAS G. NELSON, RETIRED.

JAMES EDWARD ROGAN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE NORA M. MANELLA, RESIGNED.

BENJAMIN HALE SETTLE, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON, VICE FRANKLIN D. BURGESS, RETIRED.

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE STEPHEN S. TROTT, RETIRED.

MICHAEL BRUNSON WALLACE, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE CHARLES W. PICKERING, SR., RETIRED.

MARGARET A. RYAN, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE HERMAN F. GIERKE, TERM EXPIRED.

SCOTT WALLACE STUCKY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE SUSAN J. CRAWFORD, TERM EXPIRED.

##### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203(A):

##### To be captain

ANDREA L. CONTRATTO, 0000  
STEPHEN B. NYE, 0000

##### IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

##### To be lieutenant colonel

JERZY J. CHACHAJ, 0000  
EDWIN MEDINA, 0000  
MICHAEL A. RIPLEY, 0000

##### To be major

GREG GORDON, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

##### To be lieutenant colonel

NORMAN B. DIMOND, 0000

##### To be major

MARK A. DEATON, 0000

##### IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

##### To be major

SHELLY M. TAYLOR, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

##### To be lieutenant colonel

OMAR L. HAMADA, 0000  
SETH W. WRIGHT, 0000

##### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

##### To be lieutenant commander

KEITH T. ADKINS, 0000  
JEFFREY A. ANDERSON, 0000  
GABRIEL A. ANSEEUW, 0000  
CARL BENTON, 0000  
JASON L. BIRCH, 0000  
KEVIN H. CADY, 0000  
JOSEPH J. CASALE, 0000  
BLAKE CHANVEY, 0000  
PAUL D. CLARKE, 0000  
BRIAN G. CUNNINGHAM, 0000  
MICHAEL J. DAIGLE, JR., 0000  
TRAVIS DAUN, 0000  
RAVI M. DESAI, 0000  
CHRISTOPHER J. DOMENCIC, 0000  
DANIEL P. DUHAN, 0000  
DAVID F. ETHERIDGE, 0000  
STEVEN C. EVERHART, 0000  
ADAM L. FLEMING, 0000  
WILLIAM D. FRANCIS, JR., 0000  
PETER D. FRENCH, 0000  
GREGORY G. GALYO, 0000  
CESAR S. GONZALEZ, 0000  
ROBERT J. GRIFFITH, 0000  
BRIAN G. GUGLIOTTA, 0000  
MARK W. HANEY, 0000  
JAMES A. HAYES, 0000  
AARON D. JOHNSON, 0000  
ROBERT S. JONES, 0000  
JOHN M. LONG, 0000  
ALEX T. MABINI, 0000  
MICHAEL D. MAXWELL, 0000  
JEREMIAH D. MINNER, 0000  
DONALD L. MORRISON, JR., 0000  
PAUL S. NAGY, 0000  
DOUGLAS A. PATTERSON, 0000  
LAWRENCE J. PENN, 0000  
JOSHUA D. PETERS, 0000  
ERICK A. PETERSEN, 0000  
COREY A. POORMAN, 0000  
JOHN D. PORADO, 0000  
DAVID M. RAY, 0000  
ROBERT P. ROBBINS, 0000  
THOMAS A. RYNO, 0000  
ROBERT W. SAWYER, 0000  
BENJAMIN J. SELPH, 0000  
HAROLD A. SEXTON, 0000  
RYAN P. SHANN, 0000  
BRIAN T. TURNER, 0000  
DAMIAN K. VILTZ, 0000  
WYATT T. WATERS, 0000  
DONALD G. WETTERBEE, 0000  
WILLIAM J. WILBURN, 0000  
SAI G. WILLIAMS, 0000  
DORSEY WISOTSKI, 0000